

This order is SIGNED.

Dated: June 5, 2025

William J. Thurman

**WILLIAM T. THURMAN
U.S. Bankruptcy Judge**



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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH**

In re:

AMMON EDWARD BUNDY,

Debtor.

Bankruptcy Number: 24-23530

Honorable William T. Thurman

Chapter 7

**ORDER TO SHOW CAUSE AS TO WHY INDIVIDUALS SHOULD NOT BE HELD IN
CONTEMPT OF COURT FOR FAILURE TO RESPOND TO SUBPOENAS**

Before the Court are three motions brought by St. Luke's Health System, Ltd., St. Luke's Regional Medical Center, Ltd., Chris Roth, Natasha Erickson, M.D., and Tracy Jungman, NP (together, the "St. Luke's Creditors"). The motions are (1) the Motion to Compel Lydia Bundy's D/B/A Bundy's Brazilian Steakhouse Compliance with Rule 2004 Subpoena [Dkt. 410]; (2) the Motion to Compel Arden Bundy's Compliance with Rule 2004 Subpoena [Dkt. 411]; and (3) the Motion to Compel Bundy Industries LLC's Compliance with Rule 2004 Subpoena [Dkt. 412]. The motions seek essentially the same relief against three individuals and/or entities and were consolidated for adjudication by the Court. Accordingly, these motions shall be referred together as the "Motions to Compel."

The Court conducted a hearing on the Motions to Compel on June 4, 2025. Engels Tejeda and Erik Stidham appeared on behalf of the St. Luke's Creditors. George Hofmann appeared on behalf of Mark Rose, the Chapter 7 Trustee, who also appeared. No other parties appeared. At the

hearing, the Court discussed the nature of relief sought and advised the parties that motions to compel were procedurally inappropriate in the present circumstances, as discussed below.

The Court has jurisdiction over this matter under 28 U.S.C. §§ 157 and 1334(b), as well as under the Order of Reference of the United States District Court for the District of Utah at DUCivR 83-6.1. The Court determines that notice of the Motions to Compel is adequate and proper.

At the hearing, the Court heard arguments from the parties. Based on the representations of the parties, the Court deems the Motions to Compel as “Motions for Orders to Show Cause why the Named Persons should not be Held in Contempt for Failure to Respond to Subpoenas” (the “Deemed Motions”).

The Motions to Compel request that this Court order compliance with certain subpoenas. However, a motion to compel is inappropriate when a subject of a subpoena fails to respond to the subpoena. Rather, the appropriate procedure to request relief for such noncompliance is a motion seeking an order to show cause as to why the subject of the subpoena should not be held in contempt of court. *See* Fed. R. Bankr. P. 9016; Fed. R. Civ. P. 45(g) (“The court for the district where compliance is required . . . may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.”).¹ The Court better understands the St. Luke’s Creditors’ requests under the framework of the Deemed Motions.

¹ *See e.g., Thomas v. Mitsubishi Motors Corp.*, No. 2:12-cv-1215, 2014 WL 280495, at *7 (D. Utah Jan. 24, 2014) (“Health Care Providers are hereby ordered to comply with the Subpoena . . . Failure to do so may result in the court holding the Health Care Providers in contempt under rule 45(g).”); *AAAG-Cal., LLC v. Kisana*, No. 2:20-cv-00026, 2020 WL 10317461, at *1 (D. Utah Aug. 24, 2020) (“Turning to the remaining requirements of Rule 45(g), AAAG has demonstrated that Ms. Tapia was personally served with the Document Subpoena and that she has failed to comply with it . . . [T]he court will issue an Order to Show Cause contemporaneously with this Order that will require Ms. Tapia to show why she should not be held in contempt for her failure to comply with the Document Subpoena.”); *S.E.C. v. Zufelt*, No. 2:10-cv-00574, 2015 WL 7281608, at *2 (D. Utah Nov. 17, 2015) (“The Federal Rules of Civil Procedure provide for remedies when parties and non-parties fail to comply with court-ordered discovery. Fed. R. Civ. P. 37(b) & 45(g).”).

Accordingly, pursuant to Federal Rule of Civil Procedure 45(g), made applicable to this Court through Federal Rule of Bankruptcy Procedure 9016, the Court hereby **ORDERS** Lydia Bundy D/B/A Bundy's Brazilian Steakhouse; Arden Bundy; and Bundy Industries, LLC to **SHOW CAUSE AS TO WHY THEY SHOULD NOT BE HELD IN CONTEMPT OF COURT** for their failure to respond or comply with certain subpoenas served on them.²

Within 15 days of the entry of this Order, Lydia Bundy D/B/A Bundy's Brazilian Steakhouse; Arden Bundy; and Bundy Industries, LLC must either **COMPLY** with the subpoenas served on them or **FILE A RESPONSE** with this Court detailing why they should not be held in contempt of court for their failure to respond or comply with the subpoenas served on them.

If Lydia Bundy D/B/A Bundy's Brazilian Steakhouse; Arden Bundy; or Bundy Industries, LLC fail to comply with this Order within 30 days of its entry, they may be held in contempt of court at a subsequent scheduled hearing as may be requested by any party.

--END OF ORDER--

² Lydia Bundy D/B/A Bundy's Brazilian Steakhouse was served with a subpoena on or around February 18, 2025. *See* Dkt. 410, ¶ 10. Arden Bundy was served with a subpoena on or around February 18, 2025. *See* Dkt. 411, ¶ 8. Bundy Industries, LLC was served with a subpoena on or around February 14, 2025. *See* Dkt. 413, ¶ 8.

DESIGNATION OF PARTIES TO RECEIVE NOTICE OF COURT ORDER

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